

1 MALE SPEAKER: Thank you.

2 MR. HAGER: Appreciate it. Thank you, sir. Have
3 a good weekend.

4 MALE SPEAKER: Right.

5 MR. HAGER: Bye.

6 (End of call)

7 MR. HAGER: Good afternoon. Accounts receivable.
8 Mr. Hager speaking. How may I help you?

9 MS. STEVENSON-YOUNG: May I speak to Lonnie King,
10 please?

11 MR. HAGER: Sure. Hold on one second. Can I tell
12 her who is calling?

13 MS. STEVENSON-YOUNG: Yes. Mary Stevenson-Young
14 (phonetic) with State Farm.

15 MR. HAGER: Hold on, please.

16 (End of call)

17 MR. HAGER: Peter Broom (phonetic), this is Mr.
18 Hager with NOS. Please give me a call at 1-888-461-3464.
19 Peter Broom, please call Mr. Hager at 1-888-461,3464. Thank
20 you.

21 (End of call)

22 MALE SPEAKER: -- where you need to go, okay?

23 MALE SPEAKER: No. (Inaudible.) I've got to get
24 through.

25 MALE SPEAKER: Well, and I asked you, you know,

1 when I first talked to you before, that I would set the
2 account up so that you could make your payment okay, all
3 right? I faxed --

4 MALE SPEAKER: You say what?

5 MALE SPEAKER: I faxed to you a copy of the bill,
6 you know, to Florida.

7 MALE SPEAKER: Yes. That's only (inaudible). I
8 don't see any program. (Inaudible.)

9 MALE SPEAKER: I see the problem. I need it now,
10 not when you want to get around to it.

11 MALE SPEAKER: All right. So again --

12 MALE SPEAKER: Now my question again -- and I need
13 an answer -- is when is it coming back to me by fax?

14 MALE SPEAKER: I cannot answer.

15 MALE SPEAKER: Okay. You can't answer that
16 question.

17 MALE SPEAKER: I cannot.

18 MALE SPEAKER: Okay. You can't. Okay.

19 MALE SPEAKER: Because this does not depend on me.
20 It depends on the court.

21 (Whereupon, the tape concluded.)

22 //

23 //

24 //

25 //

Attachment

F

DOCKET NO. 03-96

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1 CASSETTE

Attachment

G

TRANSCRIPT OF PROCEEDINGS

NOS COMMUNICATIONS)
)
)
Phone Conversations)
Tape No. 3)

LIVE TAPE

(The following transcript was transcribed from an audio cassette tape provided by the Federal Communications Commission on May 2, 2003.)

Pages: 1 through 83

HERITAGE REPORTING CORPORATION

Official Reporters
1220 L Street, NW, Suite 600
Washington, D.C.
(202) 628-4888

TRANSCRIPT OF PROCEEDINGS

Date: May 2, 2003

HERITAGE REPORTING CORPORATION

Official Reporters
1220 L Street, NW, Suite 600
Washington, D.C.
(202) 628-4888

1 (Side A)

2 FEMALE SPEAKER: Who is calling?

3 MS. GIBBS: This is Marsha.

4 FEMALE SPEAKER: Okay. Marsha, is he expecting
5 your call?

6 MS. GIBBS: No, not at this time. I'm calling
7 from NOS Communications. We have a disconnect status on the
8 phone line.

9 FEMALE SPEAKER: Oh, okay. Hold on, please.

10 MS. GIBBS: Thank you.

11 (Pause)

12 MALE SPEAKER: Hello.

13 MS. GIBBS: Yes. Hi, David. My name is Marsha
14 Gibbs. I'm calling from NOS Communications in the
15 operations department. How are you?

16 MALE SPEAKER: Just fine.

17 MS. GIBBS: I'll let you know calls are monitored
18 and recorded for quality assurance purposes. I have to
19 apologize, actually. I see where you're leaving our
20 service.

21 MALE SPEAKER: Uh-huh.

22 MS. GIBBS: And we want to thank you for the
23 notice you did give us. And if things don't work out with
24 your new company, we'd like to opportunity to maybe work
25 with you again in the future.

1 MALE SPEAKER: Okay.

2 MS. GIBBS: The lines are still billing here with
3 us. I wanted to know if you want us to leave them up and
4 running for right now, or do you want us to go ahead and
5 take the service down?

6 MALE SPEAKER: Well, we want our phones to work
7 until the switchover occurs officially.

8 MS. GIBBS: That's fine. That's fine. I just
9 need to get authorization to do it because what I'm going to
10 do is send you out a letter of agency from our company.
11 This will allow us to carry the traffic in the interim
12 period only until this company is ready to come in and get
13 you switched. As soon as they switch your services over
14 from our company, all your ties will be severed from us
15 completely. And if you can state on your company letterhead
16 -- and I'll tell you what to say in reference to -- that's
17 it's only for an interim period. You need to state the
18 company you're switching to. On the form itself, you need
19 to put a "see attached addendum." And we'll keep the
20 service going until they come in and pick it up.

21 MALE SPEAKER: I've never had this happen before
22 and we've switched two other times.

23 MS. GIBBS: Well, the thing of it is is at this
24 point because they have not completed the switch yet -- and
25 we got our alert in the system to disconnect it. And the

1 thing of it is, with that company, we're not tariffed to do
2 partial line billing, and that's the reason why it will
3 cause a disruption to everything. The lines are still going
4 here with us. The local tone is still here as well, no
5 fault to your carrier. It's probably that we got our alert
6 a little bit too soon from the local before they could
7 actually complete the switch.

8 So I don't anticipate that this is going to take
9 any more than a day, a day and a half, in order for them to
10 complete it. Unfortunately, because you signed that letter
11 of agency with their company, it voided out any authority
12 that we had to carry the traffic, even though it's still
13 physically kicked here to us. So when they come in with the
14 information that you provided for them to be their provider,
15 it's going to supersede anything that you would sign with me
16 today. And plus, it's only for the interim period. You're
17 going to state that it has already been set in this for
18 credit call.

19 So they listen to the call in its entirety. So I
20 actually have to confirm with you on this line that I
21 received that fax from you when you send it back to me. And
22 we'll keep it going until they come and then pick it up.

23 (End of call)

24 FEMALE SPEAKER: National (inaudible) assistance.
25 May I help you?

1 MS. GIBBS: (Inaudible.) Can I speak to
2 Christine, please?

3 FEMALE SPEAKER: She's not here. Can I take a
4 message?

5 MS. GIBBS: Is there somebody I can talk to in
6 reference to your account here with us? I have a disconnect
7 status on all the phone lines.

8 FEMALE SPEAKER: I'm sorry. Where are you calling
9 from, ma'am?

10 MS. GIBBS: I am calling from Infinity Network,
11 Incorporated. They're providing long distance for your
12 company at this point. We have an alert in our system that
13 you're actually switching vendors, but --

14 FEMALE SPEAKER: I'm sorry. That we're switching
15 what?

16 MS. GIBBS: That you're switching to another
17 service. But the problem is -- and let me let you know
18 calls are monitored and recorded. They haven't switched
19 anything yet. The only thing, you're still billing here
20 (inaudible) for yesterday and today, and our company has
21 just (inaudible) to disrupt everything. I need to talk to
22 somebody about this as soon as possible.

23 FEMALE SPEAKER: Okay. Do you know who authorized
24 this?

25 MS. GIBBS: No. That's what I'm thinking, that it

1 was unauthorized because we don't have a request from a long
2 distance company. It looks like somebody is trying to come
3 in without your consent and slam your lines illegally.

4 FEMALE SPEAKER: Is that possible?

5 MS. GIBBS: Yeah, it is at this point. And that's
6 the reason why I'm calling you from our operations
7 department. It's called slamming. They come in without
8 your consent and they took over your service, and they bill
9 you on your local telephone company's bill. We're acting on
10 an alert in our system because if nothing -- there has been
11 no long distance carrier to request them yet (inaudible)
12 connect from the local. We always have to assume maybe you
13 are switching, or we call to see exactly what is going on,
14 basically.

15 FEMALE SPEAKER: Well, Christine is my mother.
16 So --

17 MS. GIBBS: Oh, okay. And so you would know.

18 FEMALE SPEAKER: I mean, she basically handles the
19 phone service. But, I mean, it was never discussed or
20 anything like that as far as that we were switching to
21 another --

22 MS. GIBBS: Is there any way you could put me on
23 hold and call her at home?

24 FEMALE SPEAKER: Well, unfortunately, I can't
25 because my father had to go into the hospital today. He had

8
1 surgery on his nose today. So she has been at the hospital.
2 MS. GIBBS: Well, this is what we're going to do
3 so that you don't lose service until you can find out
4 whether or not she really did switch.
5 FEMALE SPEAKER: To be honest, I can tell you 99
6 percent sure she did not switch.
7 MS. GIBBS: I'm going to send you a letter of
8 agency. We're going to make sure that nothing is
9 disconnected.
10 FEMALE SPEAKER: Okay.
11 MS. GIBBS: And so are you close to 856-461-8367?
12 FEMALE SPEAKER: That's our fax number.
13 MS. GIBBS: Okay. I'm going to fax you our
14 standard letter of agency. You've probably seen it before.
15 FEMALE SPEAKER: Okay.
16 MS. GIBBS: It states in writing that if you're
17 not 100 percent satisfied with any aspect of our network, we
18 have to agree to switch you to whomever it is you choose.
19 FEMALE SPEAKER: Right.
20 MS. GIBBS: The reason I need that is because when
21 I go to check to let them know that they have no
22 authorization to do this --
23 FEMALE SPEAKER: (Inaudible.)
24 MS. GIBBS: Yeah. That's what is so weird about
25 it. That's why I figured that that's what was going on.

1 But I always have to assume --

2 FEMALE SPEAKER: Right.

3 MS. GIBBS: -- (inaudible).

4 FEMALE SPEAKER: Right. I understand.

5 MS. GIBBS: You know what I mean? But I'm going
6 to take care of it.

7 FEMALE SPEAKER: Okay.

8 MS. GIBBS: Let me give you my direct line so that
9 if you need anything or you have any questions, you'll call
10 me directly.

11 FEMALE SPEAKER: Okay.

12 (The next portion of tape is a repeat of the above
13 call up to that point, and then continues.)

14 MS. GIBBS: It's 800-636 --

15 FEMALE SPEAKER: Six-three-six.

16 MS. GIBBS: Six-six-seven-oh.

17 FEMALE SPEAKER: Six-six-seven-oh.

18 MS. GIBBS: My direct extension is 5636. I'm
19 sorry, 5556. They changed it.

20 FEMALE SPEAKER: Okay. What was that, five?

21 MS. GIBBS: Five-five-five-six.

22 FEMALE SPEAKER: Five-five-five-six-six?

23 MS. GIBBS: No, just one six.

24 FEMALE SPEAKER: Okay.

25 MS. GIBBS: And then if you need me and I'm on the

10
1 phone, please have them page me. What was your name? I'm
2 sorry.
3 FEMALE SPEAKER: Lisa.
4 MS. GIBBS: Lisa. And let me give you my fax.
5 It's Marsha Gibbs, G-I-B-B-S. And my fax is 800-315-5667.
6 FEMALE SPEAKER: Okay.
7 MS. GIBBS: And if you put me on -- it's coming to
8 you right now.
9 FEMALE SPEAKER: Okay.
10 MS. GIBBS: I still have to confirm with you on
11 the line I got it. So if you put me on hold, the only thing
12 that we need is just a company billing name, today's date,
13 and the signature.
14 FEMALE SPEAKER: Okay.
15 MS. GIBBS: I need to confirm with you I have it,
16 and I'll keep it all going until you tell me not to.
17 FEMALE SPEAKER: Okay.
18 MS. GIBBS: Okay.
19 FEMALE SPEAKER: All right.
20 MS. GIBBS: It's coming over right now.
21 FEMALE SPEAKER: Okay. Hold on one second.
22 MS. GIBBS: Okay.
23 (Pause)
24 FEMALE SPEAKER: Marsha?
25 MS. GIBBS: Yes.

1 FEMALE SPEAKER: Okay. Yes, I did get it. The
2 only thing is -- I mean, does it say when it's going to be
3 terminated?

4 MS. GIBBS: Well, when we get our -- it's not from
5 -- on their end, okay? They asked us to disconnect.

6 FEMALE SPEAKER: Okay.

7 MS. GIBBS: And you're switching vendors. And we
8 cannot carry the traffic without proper authorization on
9 file.

10 FEMALE SPEAKER: Right.

11 MS. GIBBS: And so that's the reason why I need to
12 update your files and have you send over one that has the
13 correct letter of agency so that they know we still have
14 authority to carry the traffic.

15 FEMALE SPEAKER: Okay.

16 MS. GIBBS: It is not a contract (inaudible) or an
17 agreement. It's just updating the files. Everything will
18 stay exactly as it is.

19 FEMALE SPEAKER: Okay. Is there any way I can fax
20 it over tomorrow morning? Does it have to be today?

21 MS. GIBBS: Yeah, because it can cause a
22 disruption to everything that you have. I need to stop it.

23 FEMALE SPEAKER: The only --

24 MS. GIBBS: I mean, because if you're not leaving,
25 it's the same form that they signed when they came onboard

1 in 1999. Even if she was -- even if you were switching and
2 you told me you were, I would still have to get it from you
3 and then have you attached an addendum that was for the
4 interim period. Either way it went, we still would have had
5 a current letter of authorization on file, whether it was
6 for an interim period or whether it was for temporarily or
7 whether it was permanently. Do you know what I mean? And
8 so not to worry.

9 Our primary concern on this end is to make sure
10 that the service stays up and running. But our company
11 policy is at any point in time you're not 100 percent
12 satisfied with any aspect of our network, we have to pay for
13 (inaudible) switch, either way. (Inaudible.)

14 FEMALE SPEAKER: If I don't sign this today, then
15 by tomorrow --

16 MS. GIBBS: It could cause a disruption in
17 everything this evening or what have you because everything
18 is still billing here with us.

19 (Another repeat of portion of above call between
20 **, then continues.)

21 MS. GIBBS: They're requesting a disconnect.
22 They're trying to slam you. And it just opens up an
23 unnecessary can of worms. You've got to worry about trying
24 to get the service back up, when you can just avoid all that
25 altogether. You know we're you're carrier. You know that

1 you haven't left us at this time, and somebody is trying to
2 come in, obviously, and take it over without your consent.

3 FEMALE SPEAKER: Okay. Well, I don't understand
4 how -- like I said, how that's possible that they can go in
5 and do that?

6 MS. GIBBS: Ma'am, it shouldn't be, but it's
7 called slamming. And what they do is is they come in and
8 they take over your lines, and the FCC is making strides to
9 try to correct it. But they bill you on your local
10 telephone company's bill. And then the local telephone
11 company collects the money, and then they get paid 20
12 percent because they billed on their phones.

13 FEMALE SPEAKER: Right.

14 MS. GIBBS: So the local is not really concerned
15 about that because they're going to benefit from that. But,
16 you know, in our case, you are our customer. We're looking
17 out for your best interests.

18 FEMALE SPEAKER: Right.

19 MS. GIBBS: And if it's just updating the file so
20 that they can call them and let them know -- and you avoid
21 all those hassles (inaudible).

22 FEMALE SPEAKER: Okay. All right. So basically,
23 this isn't any type of --

24 MS. GIBBS: Yeah.

25 FEMALE SPEAKER: -- contract or anything.

1 MS. GIBBS: Read the first two lines in the
2 verbiage. Read it. You can read it out loud to me because
3 we're on a recorded call.

4 FEMALE SPEAKER: "This enrollment form is not a
5 term plan or contract commitment. The undersigned may
6 request service cancellation during any invoice period."

7 MS. GIBBS: See?

8 FEMALE SPEAKER: Okay, okay. All righty.

9 MS. GIBBS: If you put me on hold, I'll put you on
10 hold. I'm going to go grab it, and I'll confirm with you I
11 have it, and that's it.

12 FEMALE SPEAKER: Okay. Now what time does this
13 have to be signed by, I mean, before I'm going to have to
14 send it over?

15 MS. GIBBS: That's why we -- once we make the
16 call, we need to have resolution either way on the call.

17 FEMALE SPEAKER: Okay.

18 MS. GIBBS: So I need to have you put me on hold,
19 fax it over to me. I am going to confirm with you I have
20 it, and it's done.

21 FEMALE SPEAKER: Okay. All right then. Hold on
22 one second.

23 MS. GIBBS: Okay.

24 (Pause)

25 MS. GIBBS: Uh-huh.

1 FEMALE SPEAKER: It's coming over right now.

2 MS. GIBBS: Okay. I've taken up so much of your
3 time today. We should be able to make sure all the lines
4 are kicked correctly without having to bother you anymore.
5 And again, to make sure it's done correctly, there may be
6 (inaudible). It takes 20 to 40 minutes, but because this
7 call is monitored, I can actually get it done for you myself
8 and use your name.

9 FEMALE SPEAKER: Okay.

10 MS. GIBBS: Okay? And hold on two seconds, and
11 I'll go get it. Hold on.

12 (End of call)

13 MALE SPEAKER: Hello?

14 MS. GIBBS: Yes, hi. Can I speak to Alicia,
15 please?

16 MALE SPEAKER: I think you have the wrong number.

17 MS. GIBBS: Is this (inaudible) Title?

18 MALE SPEAKER: Not even close.

19 MS. GIBBS: Thank you.

20 (End of call)

21 MS. MUDRICK: (Inaudible) Title (inaudible). How
22 may I help you?

23 MS. GIBBS: Yes. Can I speak to Alicia, please?

24 MS. MUDRICK: (Inaudible) in reference to?

25 MS. GIBBS: Yes. There is a disconnect status on

1 your phone line (inaudible).

2 MS. MUDRICK: Okay. And where are you calling
3 from?

4 MS. GIBBS: I'm calling from (inaudible) Network,
5 Incorporates, ANI.

6 MS. MUDRICK: You know, I know that I have called
7 several times in reference to the contact person because she
8 hasn't been here for a year and a half.

9 MS. GIBBS: Oh, my goodness. I'm calling you from
10 operations. I will have that done.

11 MS. MUDRICK: Well, somebody else told me twice at
12 least through the person last year that that was going to
13 stop.

14 MS. GIBBS: It has (inaudible) as a second
15 contact, and that was (inaudible). You're Emily? Are you
16 Emily?

17 MS. MUDRICK: No. There is no Emily here. I am
18 Jean.

19 MS. GIBBS: Jean, okay.

20 MS. MUDRICK: And my last name is Mudrick,
21 M-U-D-R-I-C-K. We're not being disconnected?

22 MS. GIBBS: See, this is what is going on right
23 now. We have a disconnect status from the local. We
24 actually got our alert from the local that you were
25 switching vendors. And so I wanted to call you directly

1 myself because the last call dates, which was yesterday and
2 today, there has been no request from a long distance
3 carrier, yet they're asking us to disconnect. And so if we
4 (inaudible), obviously I want to apologize for that if it's
5 something that's wrong, you know, that caused you to make
6 the decision to leave. But if you haven't, then I think
7 there is a strong possibility somebody is trying to come in
8 and slam the lines, obviously, without your consent.

9 MS. MUDRICK: Well, I don't think that I'm the one
10 that you need to be speaking to in reference to this.

11 MS. GIBBS: Who do I need to speak to? Because
12 right now, because we received that --

13 MS. MUDRICK: Yes.

14 MS. GIBBS: Our company has a liability of
15 (inaudible) without some authorization on file.

16 MS. MUDRICK: Okay.

17 MS. GIBBS: And so in that sense, I would have to
18 get something from you temporarily to keep these lines up
19 and running until they can get them switched. If I can't,
20 then it's going to cause a disruption to everything that you
21 have here immediately.

22 MS. MUDRICK: I need you to discuss this with Jeff
23 Pallin.

24 MS. GIBBS: Is he there? I hope so.

25 MS. MUDRICK: He is in our Boston office and

1 controls all of those kind of negotiating things. So --

2 MS. GIBBS: What is his name? I'm sorry.

3 MS. MUDRICK: Pallin, P-A-L-L-I-N.

4 MS. GIBBS: P-A-L-L-I-N.

5 MS. MUDRICK: And he is in our Boston office.

6 MS. GIBBS: What is the number there?

7 MS. MUDRICK: And see, you know, I think that this
8 has got -- this is all something that has to do with, like,
9 corporate in trying to resolve whatever is going -- I have
10 no idea, you know. His number is 617-210-07 --

11 MS. GIBBS: Two-one-zero, you said?

12 MS. MUDRICK: Yes, 0750. Okay. And it's totally
13 important that we, you know, talk to him about anything that
14 has to do -- so what actually happened with us?

15 MS. GIBBS: Okay. This is what is happening,
16 because we have an actual disconnect status on the phone
17 lines. We're getting our -- it's an alert that comes in our
18 system within the local when we know that you're switching
19 to another vendor. In your case -- see, mainly with my
20 department, our main concern is to make sure accounts are
21 canceled that need to be canceled.

22 MS. MUDRICK: Right.

23 MS. GIBBS: I looked -- I pulled up the account.

24 I saw here that every single line was still billing here

25 with us. I thought, oh, my God, I need to call them because

19
1 it could cause a disruption to everything that you have. So
2 anybody that called into you on your entire -- all of them
3 -- would think that you were temporarily disconnected.
4 MS. MUDRICK: Okay.
5 MS. GIBBS: And so what I can do is -- and this is
6 what I was going to tell you, but if I need to call him on
7 this. We can send you a letter of agency (inaudible). As
8 you know, with our company, we don't have contracts,
9 (inaudible) or agreements. And so (inaudible) switch you
10 anyways. But this letter of authorization would allow us to
11 keep the traffic up and running, your lines up and running.
12 So if you switch, the other carrier can come in and pick
13 you up, or if you're slammed, we need to let them know that
14 there is no disconnect that needs to happen.
15 MS. MUDRICK: Okay.
16 MS. GIBBS: And they're going to ask us if we have
17 a current letter of agency on file to do that.
18 MS. MUDRICK: Okay. Can you fax me a copy of
19 that?
20 MS. GIBBS: (Inaudible) now. Is there any way you
21 can put me on hold and explain it to him because of the
22 severity of the situation? And I don't know why I'm
23 explaining.
24 MS. MUDRICK: So what I will do is let me -- if
25 you could fax that to me --

1 MS. GIBBS: 603-472-7045?
2 MS. MUDRICK: Yes.
3 MS. GIBBS: Okay. I'm going to fax it over. If
4 there is anyway you can give him some heads-up --
5 MS. MUDRICK: Let me give him a heads-up. I'll
6 put you on hold and --
7 MS. GIBBS: That's fine. Because you need to get
8 this done so you don't lose service.
9 MS. MUDRICK: Yes. And your name again?
10 MS. GIBBS: Marsha Gibbs, G-I-B-B-S.
11 MS. MUDRICK: Okay. Just a moment, please.
12 MS. GIBBS: Thank you.
13 MS. MUDRICK: Thanks.
14 (Pause)
15 MS. MUDRICK: Hi. I'm sorry.
16 MS. GIBBS: That's okay.
17 MS. MUDRICK: He's not answering.
18 MS. GIBBS: Well, we have you listed as a key
19 person here as well.
20 MS. MUDRICK: You do?
21 MS. GIBBS: Yes. Because the actual cancel -- the
22 actual deletion of her name came from you.
23 MS. MUDRICK: Okay.
24 MS. GIBBS: And so I sent this (inaudible). I'm
25 going to have you write out an addendum and attach it with